

1 Paul J. Riehle (SBN 115199)
2 paul.riehle@faegredrinker.com
3 **FAEGRE DRINKER BIDDLE & REATH**
4 **LLP**
5 Four Embarcadero Center
6 San Francisco, California 94111
7 Telephone: (415) 591-7500
8 Facsimile: (415) 591-7510
9
10 Christine A. Varney (*pro hac vice*)
11 cvarney@cravath.com
12 Katherine B. Forrest (*pro hac vice*)
13 kforrest@cravath.com
14 Gary A. Bornstein (*pro hac vice*)
15 gbornstein@cravath.com
16 Timothy G. Cameron (*pro hac vice*)
17 tcameron@cravath.com
18 Yonatan Even (*pro hac vice*)
19 yeven@cravath.com
20 Lauren A. Moskowitz (*pro hac vice*)
21 lmoskowitz@cravath.com
22 Justin C. Clarke (*pro hac vice*)
23 jcclarke@cravath.com
24 M. Brent Byars (*pro hac vice*)
25 mbyars@cravath.com
26 **CRAVATH, SWAINE & MOORE LLP**
27 825 Eighth Avenue
28 New York, New York 10019
Telephone: (212) 474-1000
Facsimile: (212) 474-3700

17 Attorneys for Plaintiff Epic Games, Inc.

Karma M. Julianelli (SBN 184175)
karma.julianelli@bartlitbeck.com
BARTLIT BECK LLP
1801 Wewetta St., Suite 1200
Denver, Colorado 80202
Telephone: (303) 592-3100
Hae Sung Nam (*pro hac vice*)
hnam@kaplanfox.com
KAPLAN FOX & KILSHEIMER LLP
850 Third Avenue
New York, NY 10022
Tel.: (212) 687-1980
*Co-Lead Counsel for the Proposed Class
in In re Google Play Consumer Antitrust
Litigation*

Brendan P. Glackin (SBN 199643)
bglackin@agutah.gov
**OFFICE OF THE UTAH ATTORNEY
GENERAL**
160 E 300 S, 5th Floor
PO Box 140872
Salt Lake City, UT 84114-0872
Telephone: 801-366-0260

Counsel for Utah and the Plaintiff States

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THIS DOCUMENT RELATES TO:

Epic Games, Inc. v. Google LLC, Case
No. 3:20-cv-05671-JD

*In re Google Play Consumer Antitrust
Litigation*, Case No. 3:20-cv-05761-JD

Utah v. Google LLC, Case No. 3:21-cv-
05227-JD

CASE NO. 3:21-MD-02981-JD

**DECLARATION OF J. WESLEY
EARNHARDT IN SUPPORT OF
PLAINTIFFS' ADMINISTRATIVE
MOTION TO CONSIDER
WHETHER ANOTHER PARTY'S
MATERIAL SHOULD BE
SEALED**

1 I, J. Wesley Earnhardt, declare as follows:

2 1. I am a Partner at Cravath, Swaine & Moore LLP, counsel to Epic Games,
 3 Inc. (“Epic”) in the above-captioned actions. I am admitted to appear before this Court
 4 *pro hac vice*.

5 2. I submit this declaration pursuant to Civil Local Rule 79-5. The contents
 6 of this declaration are based on my personal knowledge.

7 3. Plaintiffs’ Joint Discovery Letter Brief, submitted jointly with non-party
 8 Activision Blizzard, Inc. (“Activision”), contains portions that are sourced from
 9 documents that Defendants Google LLC, Google Ireland Limited, Google Commerce
 10 Limited, Google Asia Pacific Pte. Limited, and Google Payment Corp. (collectively,
 11 “Google”), and non-party Activision have designated as “CONFIDENTIAL”,
 12 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “NON- PARTY
 13 HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL EYES ONLY”, pursuant to the
 14 protective orders entered by the Court, Case No. 3:21-md-02981-JD, ECF Nos. 40, 44,
 15 123, 124, 154 and 170. The following Table shows the portions of Plaintiffs’ Joint
 16 Discovery Letter Brief that contain information designated as “CONFIDENTIAL”,
 17 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “NON- PARTY
 18 HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL EYES ONLY”.

20 21 Portion Containing Confidential Information	Designating 22 Party
22 23 Page 4, first paragraph, third sentence. From after “personal knowledge regarding” to end of sentence.	Google
24 25 Page 4, first paragraph, fourth sentence. From after “Mr. Zerza’s testimony about” to “and other topics”.	Google
26 27 Page 4, fourth paragraph, second sentence. From after “other anticompetitive conduct” to end of sentence.	Google

28 DECLARATION OF J. WESLEY EARNHARDT IN SUPPORT OF PLAINTIFFS’ ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER ANOTHER PARTY’S MATERIAL SHOULD BE SEALED

Case Nos. 3:21-md-02981-JD; 3:20-cv-05671-JD; 3:20-cv-05761-JD; 3:21-cv-5227-JD

1	Page 4, fourth paragraph, third sentence.	Google
2	From after "has revealed that" to second comma in sentence.	
3	Page 4, fourth paragraph, third sentence.	Activision
4	From second comma in sentence to end of sentence.	
5	Page 4, fourth paragraph, final sentence in paragraph.	Google
6	Page 4, fifth paragraph, first sentence.	Activision
7	From beginning of sentence to first comma.	
8	Page 4, fifth paragraph, second sentence.	Activision
9	From after "was interested in" to end of sentence.	
10	Page 4, fifth paragraph, third through fifth sentence.	Google
11	Page 5, first paragraph, first through third sentence.	Activision
12	Page 5, first paragraph, fifth sentence.	Activision
13	Page 5, first paragraph, seventh sentence.	Activision
14	Page 5, second paragraph, first and second sentences.	Google
15	Page 5, second paragraph, third sentence.	Activision
16	Page 5, fifth paragraph, third sentence.	Google
17	Page 5, fifth paragraph, fourth sentence.	Google
18	From beginning of sentence to second comma.	
19	Page 5, final paragraph, fourth sentence.	Activision
20	From second comma to end of sentence.	
21	Page 6, first paragraph, second sentence.	Google
22	From after "personal knowledge of" to end of sentence.	
23	Page 6, first paragraph, third sentence.	Google
24	From after "was present for" to end of sentence.	
25	Page 6, first paragraph, fourth sentence.	Google
26	From beginning of sentence to first comma.	
27	Page 6, first paragraph, fourth sentence.	Google

28 DECLARATION OF J. WESLEY EARNHARDT IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION TO
SEAL PORTIONS OF ITS FIRST AMENDED COMPLAINT

Case Nos. 3:21-md-02981-JD; 3:20-cv-05671-JD; 3:20-cv-05761-JD; 3:21-cv-5227-JD

1	From “Zerza’s testimony on” to end of sentence.	
2	Page 6, second paragraph, second sentence.	Google
3	From after semicolon to end of sentence.	
4	Page 6, second paragraph, third sentence.	Google
5	From after “even present when” to end of sentence.	
6	Page 6, second paragraph, fourth sentence.	Activision
7	From after “not participate in” to end of sentence.	
8	Page 7, first paragraph, third sentence.	Activision
9	From after “several documents describing” to end of sentence.	
10	Page 7, first paragraph, fifth sentence.	Activision
11	From after “to further probe” to end of sentence.	
12	Page 7, second paragraph, fifth sentence.	Activision
13	From after “As for” to first comma.	
14	Page 7, second paragraph, sixth sentence.	Activision
15	From after “relevant details regarding” to end of sentence.	
16	Page 8, fourth full paragraph, first sentence.	Activision
17	From after “time to include” to end of sentence.	
18	Page 9, first full paragraph, eighth sentence.	Activision
19	From after “‘need’ to probe” to second comma.	

21 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the
 22 foregoing is true and correct and that I executed this declaration on May 27, 2022 in
 23 New York, NY.

25 /s/ J. Wesley Earnhardt
 26 J. Wesley Earnhardt

28 DECLARATION OF J. WESLEY EARNHARDT IN SUPPORT OF PLAINTIFFS’ ADMINISTRATIVE MOTION TO
 29 SEAL PORTIONS OF ITS FIRST AMENDED COMPLAINT

Case Nos. 3:21-md-02981-JD; 3:20-cv-05671-JD; 3:20-cv-05761-JD; 3:21-cv-5227-JD